IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

Smt.Tilakmati Jain
Vs.
State and ors.

S.B. CRIMINAL MISC.PETITION NO.1531/2006
under Section 482 Cr.P.C.

Date of Order :- **October 13, 2006**.

PRESENT
HON'BLE MR.JUSTICE HARBANS LAL

Mr. Anand Bhardwaj for the petitioner.
Mr. Arun Sharma P.P. for the State.

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BY THE COURT :-

Heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the impugned-order dated 12/6/2006 pased by the learned Additional District and Sessions Judge No.3, Kota rejecting Criminal Revision No.20/2006 and upholding the order dated 16/8/2005 passed by the learned Additional Civil Judge (Junior Division) and Judicial Magistrate No.3 North Kota whereby the application u/S.190 Cr.P.C. for taking cognizance against non-petitioners No.2 to 5 has been disallowed.

It is well settled that the order taking cognizance is a revisable order and a revision petition against the said order has infact been filed and dismissed by the learned court below.

The instant petition to all intents and purposes tantamounts to a second revision petition in

the garb of petition under Section 482 Cr.P.C. and has been filed to circumvent the bar on filing of second revision provided under Section 397(3) Cr.P.C. which, as per the settled law, is imperssible. There is neither any abuse of the process of the court nor it is otherwise essential to interfere in the impugned-order for securing ends of justice. The inherent powers of the court under Section 482 Cr.P.C. cannot be exercised/invoked where there is a special provision provided in the Code of Criminal Procedure, 1973. That being so, the instant petition is clearly non-maitaniable and deserves to be dismissed.

Consequently, this petition under Section 482 Cr.P.C. being not fit for admission is hereby dismissed.

(HARBANS LAL), J.

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